



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

MOTION TO AMEND THE COMPLAINT

Administrative Order 2021-129

In accordance with Administrative Order 2021-120 and Rule 9, Arizona Rules of Procedure for Eviction Actions, in accordance with the proposed Amended Complaint (attached), Plaintiff moves the Court to amend the Complaint in this matter as follows:

(CARES Act)

The claim in this matter ☐ does ☐ does not include a claim for damages incurred between March 27, 2020 and July 24, 2020.

If yes, the property ☐ was ☐ was not covered by the CARES Act.

- ☐ If the property was a CARES Act property, Plaintiff has not included a claim for fees, penalties, or interest on unpaid rent during that period.
- ☐ If there is a claim for that period and the property was not a CARES Act property, Plaintiff has attached proof that the property is not subject to a mortgage, or the written response from a Qualified Written Request (QWR) submitted to the property's mortgage holder that confirms the financing in place was not covered by the CARES Act.

(Federal Mortgage Forbearance)

The rental property ☐ is ☐ is not in a building with five or more units that has or had a mortgage backed by Fannie Mae or Freddie Mac (FHFA), the Federal Housing Administration (FHA), the U.S. Department of Agriculture (USDA), or the Department of Veterans Affairs (VA) for which the borrower is receiving mortgage forbearance relief.

(Federal Mortgage Multifamily Protection)

The rental property ☐ is ☐ is not in a building with five or more units that has or had a mortgage backed by Fannie Mae or Freddie Mac (FHFA)

- ☐ If Plaintiff participated in mortgage forbearance, Plaintiff has not included a claim for any fees, penalties or interest for unpaid rent for any period of time Plaintiff was in a federal mortgage forbearance relief program which prohibited those assessments.

Note: Please answer both questions regarding federal mortgages. There are separate programs for tenant protection that depend on different factors.

(Rental Assistance)

Plaintiff ☐ has ☐ has not applied for or received rental assistance from any source based on Defendant's rental obligation.

If Plaintiff has received rental assistance:

- ☐ Plaintiff has shown in the Amended Complaint how the rental assistance has been applied toward the obligation.
- ☐ Plaintiff has shown in the attached accounting of payments (ledger) how the rental assistance has been applied toward the obligation.

Plaintiff ☐ has ☐ has not entered into an agreement as part of the rental assistance to release Plaintiff's claims against the Defendant.

- ☐ If Plaintiff has entered into a rental assistance agreement, Plaintiff has complied with all terms of that agreement, and Plaintiff is not seeking a judgment for any claim that was waived
- ☐ If Plaintiff has entered into a rental assistance agreement, it did not require the waiver of all claims against the Defendant, and Plaintiff has attached a copy of the rental assistance agreement as proof.

(Prior Judgments)

Plaintiff ☐ has ☐ has not obtained a prior judgment against the Defendant after March 24, 2020, that has not been vacated.

☐ Plaintiff obtained prior judgment(s) against Defendant after March 24, 2020, which have not been vacated, on:

☐ If Plaintiff has obtained a prior judgment, Plaintiff attests that the amounts claimed in this Amended Complaint exclude the amounts awarded in any prior judgment.

I state under penalty of perjury that the foregoing is true and correct.

Date: _____

Plaintiff:

I CERTIFY that I mailed / delivered a copy of this document to:

☐ Plaintiff at the above address ☐ Plaintiff's attorney ☐ Defendant at the above address ☐ Defendant's attorney

Date: _____ By Clerk: _____